

SENATE BILL NO. 179

INTRODUCED BY B. MCCARTHY

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE UPLAND GAME BIRD ENHANCEMENT PROGRAM BY CLARIFYING PROVISIONS RELATED TO HABITAT ENHANCEMENT AND UPLAND GAME BIRD RELEASES; ALLOWING ANY LANDOWNER OR DESIGNEE TO APPLY TO THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS FOR REIMBURSEMENT FOR A VERIFIED RELEASE OF UPLAND GAME BIRDS ON PRIVATE PROPERTY OPEN TO HUNTING; ESTABLISHING CONDITIONS AND TERMS OF REIMBURSEMENT AND REQUIRING THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS TO DEVELOP RULES TO ADMINISTER THE RELEASE PROGRAM; AMENDING SECTIONS 87-1-246, 87-1-247, 87-1-248, 87-1-249, AND 87-1-250, MCA; AND PROVIDING AN EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Upland game bird release -- qualifications for reimbursement for releases -- rules. (1) Any landowner or the designee of a landowner who releases upland game birds on the landowner's private property at any time prior to a designated upland game bird hunting season may receive reimbursement from the department for the cost of the birds released, subject to the conditions in this section and department rules. Department review and approval of release sites is not required.

(2) Reimbursement for verified upland game bird releases must be paid from upland game bird release and habitat enhancement funds set aside under 87-1-247(3) for upland game bird releases.

(3) Requests for reimbursement must be made on forms provided by the department and must include:

(a) verification that the person requesting reimbursement is the owner of the land where the release occurred or the landowner's designee;

(b) the date or dates of release, the kinds of upland game birds released, and the number of upland game birds released;

(c) verification that the land where the upland game birds are released is open to access for public upland game bird hunting;

(d) proof that the released birds are from source stock purchased from a hatchery that is licensed or approved by any state;

(e) the age of the released upland game birds; and

(f) a signed release verification.

(4) Upland game bird reimbursement must be made on a first-come, first-serve basis, although preference may be given to landowners who are willing to share the cost of releases. In order to increase program participation and promote upland game bird releases statewide, reimbursement is limited to \$1,500 annually for each landowner or designee. The total reimbursement for all upland game bird releases may not exceed \$100,000 in any fiscal year.

(5) The department shall adopt rules for the administration of the upland game bird release program authorized in this section. The rules must:

(a) establish the form for a reimbursement request and a method for verifying the information in the request form;

(b) establish a minimum age for released birds; and

(c) provide that the release verification required in subsection (3)(f) may include a signed statement from a law enforcement official, a county extension service agent, a representative of the department, the department of livestock, the department of agriculture, or any other acceptable public official.

Section 2. Section 87-1-246, MCA, is amended to read:

"87-1-246. Funding of upland game bird release and habitat enhancement ~~program~~ programs.

The amount of money specified in this section from the sale of each hunting license listed must be used exclusively by the department to preserve and enhance upland game bird populations in Montana, through habitat enhancement and actual bird releases, in accordance with 87-1-246 through 87-1-249 and [section 1], subject to appropriation by the legislature:

(1) Class A-1, resident upland game bird, \$2;

(2) Class B-1, nonresident upland game bird, \$23;

(3) Class AAA, combination sports, \$2; and

(4) Class B-10, nonresident big game combination, \$23."

Section 3. Section 87-1-247, MCA, is amended to read:

"87-1-247. Authorized use of funds. (1) Not more than 15% of the money generated under 87-1-246 may be used by the department to:

(a) prepare and disseminate information to landowners and organizations concerning the upland game bird release and habitat enhancement ~~program~~ programs;

~~(b) review potential upland game bird release sites;~~

~~——(c)(b)~~ assist applicants in preparing management plans for project areas; and

~~(d)(c)~~ evaluate the upland game bird release and habitat enhancement ~~program~~ programs.

(2) The remainder of the money raised must be used for releasing upland game birds ~~in suitable habitat~~ pursuant to [section 1] and for the development, enhancement, and conservation of upland game bird habitat in Montana pursuant to 87-1-248.

(3) ~~(a) At least 15% of the funds collected under 87-1-246~~ A total of \$100,000 of upland game bird release and habitat enhancement program funds must be set aside each fiscal year for expenditures related to upland game bird releases pursuant to [section 1].

~~(b) At least 25% of the funds set aside for upland game bird release must be spent each year."~~

Section 4. Section 87-1-248, MCA, is amended to read:

"87-1-248. Qualification of upland game bird habitat enhancement projects. ~~(1) A project eligible for funding under the upland game bird release program must contain the proper combination of winter cover, food, nesting cover, and other upland game bird habitat components determined necessary to provide for establishment of a viable upland game bird population.~~

~~——(2)(1)~~ A project eligible for funding under the upland game bird habitat enhancement program must include assistance to applicants in the establishment of suitable nesting cover, winter cover, or feeding areas through cost-sharing, leases, or conservation easements.

~~(3)(2)~~ A project containing hunting preserves or any commercial hunting enterprise or in which hunting rights are not available to the general public or are leased or paid for is not eligible for funding.

~~(4)(3)~~ Preference must be given for project applications submitted by youth organizations, 4-H clubs, sports groups, and other associations of sufficient size to guarantee completion of all project requirements. However, individual landowners may also apply, as long as the land in the project area remains open to public hunting in accordance with reasonable use limitations imposed by the landowner.

~~(5)(4)~~ (a) Except when a greater amount, up to \$200,000, is authorized by the commission, a project may not receive more than \$100,000 in funds collected under 87-1-246.

(b) Total purchases of equipment, land, and buildings under the habitat enhancement program may not

1 exceed \$25,000 for each project.

2 (c) The construction of wells, pipelines, or roads using funds collected under 87-1-246 is only allowed
3 on a cost-share basis, when the applicant pays at least 50% of the funded costs.

4 (d) Any equipment purchased with funds collected under 87-1-246 remains the property of the
5 department.

6 (e) A shelterbelt may not be constructed within 400 feet of any residential building or building occupied
7 by livestock.

8 (f) Funds collected under 87-1-246 may be expended for supplemental feeding programs that are
9 authorized by the department."

10
11 **Section 5.** Section 87-1-249, MCA, is amended to read:

12 **"87-1-249. Rules related to projects in the upland game bird habitat enhancement program. (1)**

13 The department shall adopt rules for the administration of the upland game bird habitat enhancement program
14 created in 87-1-246 through 87-1-249.

15 (2) The rules must:

16 (a) provide for eligibility criteria for project applications, including project evaluation criteria that
17 incorporate the following factors:

18 (i) proposed project acreage of suitable size;

19 (ii) proposed project acreage and adjoining lands that are suitable for upland game bird habitat;

20 (iii) evidence that existing and potential species will benefit from the project;

21 (iv) the number of acres that will be open to and suitable for public upland game bird hunting under the
22 proposal; and

23 (v) in addition to the criteria in subsections (2)(a)(i) through (2)(a)(iv), preference to proposed projects
24 with:

25 (A) longer contract length and larger landowner cost share;

26 (B) lands with special or unique components, such as wetlands; and

27 (C) a landowner history of providing hunter access and habitat enhancement;

28 (b) be consistent with general requirements of the federal conservation reserve program, the agricultural
29 conservation program, the state hunter management program, and the state hunting access enhancement
30 program so that landowners who participate in those programs may also be eligible for participation in the upland

1 game bird habitat enhancement program;

2 ~~(c) specifically indicate specifications under which upland game birds will be released in project areas;~~
3 including but not limited to:

4 ~~—— (i) habitat requirements;~~

5 ~~—— (ii) number of upland game birds to be released;~~

6 ~~—— (iii) health requirements;~~

7 ~~—— (iv) banding requirements;~~

8 ~~—— (v) time for release;~~

9 ~~—— (vi) age of birds to be released; and~~

10 ~~—— (vii) reimbursement amount for each bird released;~~

11 ~~(d)(c)~~ establish application procedures for project funding and review and for approval or denial of
12 applications; and

13 ~~(e)(d)~~ establish project monitoring and reporting procedures, including a requirement that payments for
14 projects authorized pursuant to 87-1-247 be supported by contracts, invoices, receipts, or other supporting
15 documentation."
16

17 **Section 6.** Section 87-1-250, MCA, is amended to read:

18 **"87-1-250. Report.** The department shall report to the fish and game committee of each house of the
19 legislature concerning upland game bird release and habitat enhancement activities undertaken pursuant to
20 87-1-246 through 87-1-249 and [section 1] during the preceding biennium, together with any recommendations
21 concerning the operation of the program."
22

23 **NEW SECTION. Section 7. Codification instruction.** [Section 1] is intended to be codified as an
24 integral part of Title 87, chapter 1, part 2, and the provisions of Title 87, chapter 1, part 2, apply to [section 1].
25

26 **NEW SECTION. Section 8. Effective date.** [This act] is effective July 1, 2003.

27 - END -